

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MARSHA WINBUSH,

Plaintiff(s),

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant(s).

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Case Number: 1:09cv215

Chief Judge Susan J. Dlott

ORDER

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Timothy S. Hogan filed on December 28, 2009 (Doc. 18), to whom this case was referred pursuant to 28 U.S.C. §636(b). The Court **ADOPTS** said Report and Recommendation.

Accordingly, the Court **ORDERS** that the ALJ's non-disability finding is **REVERSED** and this case is **REMANDED** to the Commissioner under sentence four. *See generally Melkonyan v. Sullivan*, 501 U.S. 89, 100 (1991). The parties stipulate that, upon remand, the ALJ will attempt to obtain treatment records from Dr. Dillinger, updated or additional medical evidence as available. The ALJ will also, if necessary, further evaluate Plaintiff's residual functional capacity and, if warranted, obtain the testimony from a vocational expert.

As no further issues remain, this case is **TERMINATED** from the docket.

IT IS SO ORDERED.

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s/Susan J. Dlott  
Chief Judge Susan J. Dlott  
United States District Court